

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
_____)	
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-a-</i>) MDL No. 1456	
<i>Care of the Florida Keys, Inc., v. Abbott</i>) Civil Action No. 01-12257-PBS	
<i>Laboratories, Inc.</i> , Civil Action No. 06-) Subcategory No. 06-11337-PBS	
11337-PBS;) Hon. Patti B. Saris
<i>United States of America ex rel. Ven-a-</i>)	
<i>Care of the Florida Keys, Inc., v. Dey,</i>)	
<i>Inc., et al.</i> , Civil Action No. 05-11084-)	
PBS; and)	
<i>United States of America ex rel. Ven-a-</i>)	
<i>Care of the Florida Keys, Inc., v.</i>)	
<i>Boehringer Ingelheim Corp., et al.</i> , Civil)	
Action No. 07-10248-PBS)	

**JOINT MOTION TO ESTABLISH
BRIEFING SCHEDULE FOR SUMMARY JUDGMENT MOTIONS**

In accordance with the instruction of the Court at the hearing on May 28, 2009, the parties to the above-captioned cases jointly propose the following briefing schedule for summary judgment motions:

June 26, 2009	Defendants shall file their motions for summary judgment and supporting materials. The principal brief of each defendant shall not exceed 40 pages. If defendants file a joint brief on common issues, the total number of pages of all defense briefs shall not exceed 120 pages.
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- July 24, 2009 Plaintiffs shall file their oppositions to defendants' motions for summary judgment, and plaintiffs' motions for summary judgment and supporting materials. The opposition memoranda and principal brief shall not exceed 50 pages with respect to each defendant. If plaintiffs file a joint brief on common issues, the total number of pages of all plaintiffs' briefs shall not exceed 150 pages. The Relator reserves its right to request leave to file separate motions and briefs.
- August 5, 2009 The parties shall confer and attempt to reach agreement on reasonable page limits for further briefs, and shall promptly either file a motion to establish page limits or advise the Court of any disagreement.
- August 28, 2009 Defendants shall file their (a) replies, if any, in further support of defendants' motions for summary judgment, and (b) oppositions to plaintiffs' motions for summary judgment.
- September 15, 2009 Plaintiffs shall file (a) sur-replies, if any, in further opposition to defendants' motions for summary judgment, and (b) replies, if any, in further support of plaintiffs' motions for summary judgment.
- September 28, 2009 Defendants shall file sur-replies, if any, in further opposition to plaintiffs' motions for summary judgment.
- October, 2009 The parties suggest two days for argument in late October, at the convenience of the Court.

Respectfully submitted,

For the United States of America,

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Dated: June 25, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above JOINT MOTION TO ESTABLISH BRIEFING SCHEDULE to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: June 25, 2009

/s/ George B. Henderson, II

George B. Henderson II